

CITY OF CARMEL-BY-THE-SEA RESPONSES TO THE 2000 MONTEREY
COUNTY GRAND JURY FINAL REPORT (JANUARY 2, 2001)

STORM WATER RUNOFF PERMIT REQUIREMENTS

INTRODUCTION:

The City of Carmel-by-the-Sea has been actively involved with storm water runoff issues and the NPDES requirements for over 10 years. The EPA Permit Application Regulations were signed on October 31, 1990. As early as December 1990, the City requested (and received) from Congressman Farr's office a copy of the pertinent EPA regulations, 40 CFR Parts 12, 123, and 124.

The City Public Works Director has participated actively as a member of the AMBAG sponsored Storm Water/Urban Runoff Management Water Quality Project Technical Advisory Committee since 1991. The Committee was reorganized as the Monterey Bay Regional Storm Water Management Task Force in February 1994 and the City of Carmel-by-the-Sea was a charter member. Later that year, the Task Force concluded that the NPDES Phase II requirements could best be satisfied in the Monterey Bay area by a regional approach. Accordingly, in July 1995, the Carmel-by-the-Sea Public Works Director voted in favor of a Technical Advisory Committee Resolution supporting the City of Monterey grant application under the Clean Water Act Section 319(h) which led to the development of the "Model Urban Runoff Program" (MURP) cited in the Grand Jury Report. The resolution of support specifically states that the "... programs, practices, and methodologies would be transferred to other Monterey Bay area cities and towns...", including Carmel-by-the-Sea. Thus, the model program is as much a Carmel MURP as a Monterey MURP. Note that the acknowledgments section in the MURP includes, the Carmel-by-the-Sea Public Works Director for contributing to the development of the project.

The City of Carmel-by-the-Sea staff has considered a Storm Water Utility, as well as other funding and management options, since 1994. However, it was decided to await EPA's final rule on the Phase II program before pursuing a funding option. Unfortunately, the EPA regulations, due out in 1997, were not finalized until October 1999.

In 1999, the City awarded a contract to Harris and Associates, at a cost of \$20,000, to prepare a Preliminary Study for Storm Water Drainage Utilities Rates. The study, along with Monterey's experience with the MURP, was considered by the City Council on March 23, 2000.

A second \$20,000 contract was awarded in June 2000 to Harris and Associates to prepare the Ordinances forming a Storm Water Utility and mandating Best Management Practices (BMP's) based on Carmel's current procedures for managing urban runoff. In addition, Harris and Associates prepared a draft Administrative Procedure Manual for the Proposed Utility.

In 2000, the City applied for and received a \$105,000 grant from the State to install pollution separators on three of its storm drains. These will reduce contamination entering the Carmel River and Carmel Bay, a project consistent with out proposed BMP's. This project is under design and expected to be completed this year.

At its meeting of 6 March 2001, the City Council conducted its first reading of Ordinance 2001-02 forming a Storm Water Utility.

FINDINGS

1. *While agencies may find it easy to write the plan, implementation of the six items on the list will require extensive research and planning. In some instances, agencies may be forced to uncover new funding sources to meet some of the permit requirements. For example, surveys may be needed to determine which run-off areas require preventative action, and additional agency funds may be required to purchase equipment or hire contractors to develop or implement plans.*

Response: The City of Carmel-by-the-Sea agrees with this finding. The ordinance specifying what BMP's will be adopted will be considered by the City Council later this year. If the Council decides to pay for the BMP's by a fee assessed through the Storm Water Utility, it will be based upon an Equivalent Median Residential Unit (EMRU), as is done in the City of Monterey. However, the Carmel may wish to utilize other funding sources and the funding decision has yet to be made.

2. *Of all the Agencies surveyed, only the City of Monterey has a fully developed plan to meet the Phase II NPDES requirement. In 1993, the city approved a storm-drain utility fee to fund the development and implementation of the permit requirements. The city has since developed a comprehensive plan that addresses all the minimum measures outlined by the U.S. EPA. Monterey has also been a leader, along with the state Regional Water Quality Control Board, the Monterey Bay National Marine Sanctuary, the City of Santa Cruz, the Coastal Commission, and the Association of Monterey Bay Area Governments in creating the Model Urban Run-off Program guide, which assists other cities in creating permit plans.*

Response: N/A.

3. *Local agencies have joined together under the recently formed Storm Water Subcommittee to explore a possible partnership for meeting the NPDES requirements. The objective of the subcommittee, formed by the Monterey Regional Water Pollution Control Agency, is to explore the advantages, disadvantages, and feasibility of having a regional permit, rather than individual permits for each entity.*

Response: The City of Carmel-by-the-Sea agrees with this finding. At its meeting of 6 February 2001, the City of Carmel-by-the-Sea authorized a letter of interest in having MRWPCA include Carmel in a Regional NPDES permit and in having MRWPCA to serve as its administrative agent.

4. *With the exception of the City of Monterey, responses to the Grand Jury letter suggested that agencies may not be fully aware of the scope of their responsibility under provisions of the NPDES permit requirements.*

Response: The City of Carmel-by-the-Sea does not concur with this finding. Please see the discussion under "introduction" above.

5. *Noncompliance with the NPDES permit requirements by March 10, 2003, leaves agencies vulnerable to lawsuits from citizens, as well as sanctions for violations of the Clean Water Act. Those sanctions can include monetary penalties.*

Response: The City of Carmel-by-the-Sea agrees with this finding. However, the City has in place a process to meet the NPDES requirement by March 10, 2003, as discussed in response to finding #3 above, and as outlined in the City's "Preliminary Study for Storm Water Drainage Utility Rates".

RECOMMENDATIONS

1. *Agencies requiring an NPDES Phase II permit immediately begin all necessary preparations for meeting the federal requirement. Full engagement on this issue, including developing auxiliary funding sources if they are necessary, must begin now to ensure the best chance of meeting the requirements by March 10, 2003.*

Response: The recommendation has been implemented.

2. *Local agencies use the City of Monterey as a resource in meeting Phase II requirements. The Model Urban Runoff Program guide can be utilized by all agencies in meeting the federal mandate.*

Response: The recommendation has been implemented.

3. *Agencies work with the Storm Water Subcommittee to develop a regional plan to meet the permit requirements. Such a plan could allow agencies to realize certain economy of scale savings and a more successful implementation of NPDES.*

Response: The recommendation has been implemented. Letter of Interest was approved by the City of Carmel-by-the-Sea City Council on 6 February 2001.

4. *Agencies study Phase II requirements carefully to ensure they are well prepared to meet any necessary requirements. With the exception of Monterey, all agencies cited in the response sections must demonstrate a formal plan for meeting the six minimum requirements outlined in the report.*

Response: The recommendation has not fully been implemented. The Storm Water Utility was formed by the City Council by Ordinance 2001-02. The Implementing Ordinance for the Urban Runoff Program and Best Management Practices are under development and expected to be adopted before the end of the year. The implementing ordinance has already been prepared in draft, along with the associated Administrative Procedures Manual, by the City's consultant.